FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 31-206.4

Specific Purpose:

The specific purpose of this section is to require the child's social worker to document in the child's case plan a determination whether it is in the best interest of the child to refer his or her case to the local child support agency and to bring the regulations into compliance with Assembly Bill 1449, Chapter 463, Statutes of 2001 (AB 1449).

Factual Basis:

AB 1449 added language to Family Code Section 17552 that requires the county welfare department to determine whether or not to refer a child's case to the local child support agency. This revision is necessary to ensure that the child's social worker is aware of the new requirement and documents the determination made in the child's case plan. Current Section 31-206.4 is renumbered to 31-206.5 to accommodate the aforemetioned adoption.

Final Modification:

Following the public hearing, this section was reworded to be consistent with the clearer, more precise language in proposed Section 31-503.3.

Final Modification After 15-Day Renotice:

Following the 15-day renotice public comment period, this section was modified in response to testimony, to clarify that the child's best interest determination shall be documented more appropriately in the child's case file rather than in the child's case plan.

Section 31-503.1

Specific Purpose:

The specific purpose of this section is to require the child's social worker (if the child is receiving family reunification services) to determine whether or not it is in the child's best interest to have his/her case referred to the local child support agency for child support services.

Factual Basis:

This section is necessary to meet the requirements of Family Code Section 17552(a). Without this section there would be confusion regarding the responsibility of who makes the determination whether or not to refer a child's case to the local child support agency.

Final Modification:

Following the public hearing, this proposed section has been revised to ensure that all children who are receiving AFDC-FC under Welfare and Institutions Code Section 11400 will receive the best interest determination rather than just those children who have a case plan goal of reunification. This revision is consistent with Family Code Section 17552 and is responsive to testimony received.

Final Modification After OAL Disapproval:

Following OAL disapproval, a new Section 31-503.11 is adopted for clarity and consistency with Family Code Section 17552(a) which requires that the regulations provide the factors the county child welfare department shall consider in making a determination for child support services when a case is in reunification and when reunification services are not offered or are terminated.

Sections 31-503.11 and .12

Specific Purpose:

The specific purpose for these sections is to describe the factors to be considered when determining whether or not to refer a child's case to the local child support agency.

Factual Basis:

Sections 31-503.11 and .12 are necessary to assure that the best interests of children are uniformly determined in a manner consistent with statutory provisions noted under the Family Code Sections 17552(a)(1) and (2).

Final Modification:

Following the public hearing, Sections 31-503.11 and .12 were renumbered to 31-503.111 and 112 respectively.

In addition, new Section 31-503.11 clarifies that the factors set forth in renumbered sections 31-503.111 and .112 (and new subsections .113 and .114) only apply to children whose case plan goal is family reunification. This change is necessary to ensure statutory consistency with Family Code Section 17552(a).

Final Modification After 15-Day Renotice:

Following the 15-day renotice public comment period, Sections 31-503.11 and .112 were further revised in response to testimony so that the language is more consistent with the language of Family Code Section 17552(a).

Final Modification After OAL Disapproval:

Following OAL disapproval, Sections 31-503.11, .111 and .112 are renumbered to Sections 31-503.111, .111(a) and .111(b) respectively to accommodate the adoption of new Section 31-503.11.

Post-hearing Modification:

Section 31-503.113

Specific Purpose:

The specific purpose of this section is to provide additional guidance to social workers in making their determination of best interest.

Factual Basis:

This section is consistent with Family Code Section 17552(b) which requires the Department to define those circumstances in which it would not be in the child's best interest to refer. This section is also responsive to testimony submitted by several testifiers. Consideration of "relevant social, cultural and physical factors of the home from which the child is removed" is consistent with existing Section 31-205.1(a). This section requires social workers to make this assessment as part of the case plan for all children who come under the custody of the county welfare department and are in out-of-home care.

Final Modification After 15-Day Renotice:

Following the 15-day renotice public comment period, this section was deleted in response to testimony due to concerns that some of the factors may introduce bias.

Post-hearing Modification:

Handbook Section 31-503.114

Specific Purpose:

The specific purpose of this handbook section is to provide social workers with additional guidance in making the best interest determination.

Factual Basis:

This handbook section provides examples of general indicators of "relevant social, cultural and physical factors of the home" as required in Section 31-503.113 and further assists social workers in determining best interest.

Final Modification After 15-Day Renotice:

Following the 15-day renotice public comment period, this handbook section was deleted in response to testimony so that the instructions to the social worker are more consistent with the language of Family Code Section 17552(a).

Final Modification After OAL Disapproval:

Following OAL disapproval, a new Section 31-503.111(c) is adopted to provide one more factor the county child welfare department shall consider in making a determination for child support services when a case is in reunification.

Further, Section 31-503.112 et seq. is adopted to uniformly provide the factors the county child welfare department shall consider in making a determination for child support services when the child's case plan goal is other than reunification.

Section 31-503.2

Specific Purpose:

The specific purpose of this section is to require the child's social worker to inform the county eligibility worker of their determination not to refer the case to the local child support agency in order for the county eligibility worker to take the appropriate action.

Factual Basis:

This section is necessary to assure that the child's social worker provides the county eligibility worker with necessary information in a timely fashion to avoid establishment of a child support case for a parent who is in the process of reunifying with his or her child and opening the case would be contrary to the child's best interests.

Final Modification:

Following the public hearing, this section was amended for clarity.

Final Modification After OAL Disapproval:

Following OAL disapproval, this section was amended to replace the word "recommendation" with the word "determination" for consistency with the rest of the regulations.

Sections 31-503.21 and .211

Specific Purpose:

The specific purpose of these sections is to require the child's social worker to review the decision whether or not to refer a child's case to the local child support agency after every hearing held under Welfare and Institutions Code Section 361.5. If, upon completion of this review, it is determined that referring the child's case to the local child support agency is no longer contrary to the child's best interest, the appropriate county eligibility worker shall be notified to make such referral.

Factual Basis:

Section 31-503.21 is necessary to assure that the child's social worker reviews the decision made as required by Family Code Section 17552(c).

Section 31-503.211 is necessary to assure that the child's social worker is aware of the requirement to refer a child's case to the local child support agency if it is no longer contrary to the child's best interest to have his or her case referred to the local child support agency as required by Family Code Section 17552(c).

Final Modification:

Following the public hearing, Section 31-503.211 was amended for clarity.

Section 31-503.3

Specific Purpose:

The specific purpose of this section is to require the child's social worker to document in the child's case plan the determination made that it is not in the best interest of the child to refer the child's case to the local child support agency.

Factual Basis:

This section is necessary to assure that a social worker documents in a child's case plan that referring the child's case to the local child support agency would be contrary to the child's best interests.

Final Modification:

Following the public hearing, this section was amended to require the social worker to document not only the determination of best interest but the basis for that determination. This amendment was made in response to testimony received and is consistent with other documentation requirements for assessment and children's case plans.

Final Modification After 15-Day Renotice:

Following the 15-day renotice public comment period, this section was modified to clarify that the child's best interest determination shall be documented more appropriately in the child's case file rather than in the child's case plan.

Section 31-503.4

Specific Purpose:

The specific purpose of this section is to inform the child's social worker that he or she may consult with the local child support agency for purposes of determining what actions are in the best interests of the child.

Factual Basis:

This section is necessary to assure that the child's social worker is aware that they may share information regarding the child's best interest with the local child support agency as allowed by Family Code Section 17550(b).

Final Modification:

Following the public hearing, this section was deleted. This deletion, in conjunction with the addition of new Section 45-201.313, ensures that the eligibility worker not the social worker will communicate with the local child support agency. It is the social worker's responsibility to make the determination of best interest and to provide that determination to the eligibility worker. It is the responsibility of the eligibility worker to communicate the social worker's decision to the local child support agency.

Final Modification After 15-Day Renotice:

Following the 15-day renotice public comment period, a new Section 31-503.4 was added to ensure that sufficient notice and opportunity for appeal is provided to the parents when a determination is made that it is not contrary to the best interest of the child to refer the child's case to the local child support agency.

Post-hearing Modification:

Section 45-201.31

Specific Purpose:

This section is amended to replace "district attorney" with "local child support agency" to conform the regulation to current usage and to update a cross reference.

Factual Basis:

This amendment is consistent with Family Code Sections 17550 and 17552.

Final Modification After OAL Disapproval:

Following OAL disapproval, Section 45-201.311(a) is adopted to ensure that the eligibility worker refrain from referring a child's case for child support enforcement if the social worker has determined that it is not in the best interest of the child. This adoption is consistent with Family Code Section 17552(b) which requires the county welfare department to refrain from referring a case to the local child support agency when it is determined it is not in the best interest of the child.

Post-hearing Modification:

Section 45-201.312

Specific Purpose:

This section is amended to replace "district attorney" with "local child support agency" to conform the regulation to current usage. Also, the last part of the section is renumbered to subsection (a) for ease of reading.

Factual Basis:

This amendment is consistent with Family Code Sections 17550 and 17552.

Post-hearing Modification:

Section 45-201.312(b)

Specific Purpose:

This section is adopted to ensure that once the eligibility worker has received the determination from the child's social worker, the eligibility worker will provide the local child support agency with documentation that referral of the child's parent(s) would not be in the best interest of the child.

Factual Basis:

This adoption is consistent with Family Code Section 17552(c) which requires that county welfare departments shall refrain from referring parents to the local child support agency once the determination has been made that it would not be in the child's best interest.

Final Modification After OAL Disapproval:

Following OAL disapproval, this section is amended to add the words "child" and "enforcement" in describing "child support enforcement" for consistency with current usage.

Post-hearing Modification:

Section 45-201.313

Specific Purpose:

This section is adopted to require eligibility workers to provide information regarding the best interest determinations as they pertain to child support issues to local child support agencies at the request of the local child support agencies.

Factual Basis:

This section is adopted in response to testimony and is necessary to ensure that county welfare departments communicate appropriately with local child support agencies.

Post-hearing Modification:

Section 45-201.314 (Renumbered from 45-201.313)

Specific Purpose:

This section is renumbered and amended to replace "district attorney" with "local child support agency" to conform the regulation to current usage.

Factual Basis:

This amendment is consistent with Family Code Sections 17550 and 17552.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill (AB) 1449, Chapter 463, Statutes of 2001

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in minor savings.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Significant Adverse Economic Impact On Business

CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #2 at the public hearing held on September 17, 2003, in Sacramento, California. Written testimony was received from the following during the 45-day comment period from August 1, 2003 to 5:00 p.m. September 17, 2003:

- Siskiyou County – Dennis Tanabe, Deputy County Counsel
- Siskiyou County – Madeline Olea, Program Manager, Adult and Children's Services
- National Center for Youth Law – Sarah E. Kurtz, Senior Attorney, and Director, Child Support Project
- Children's Advocacy Institute – Debra L. Back, Attorney
- Legal Services of Northern California – Stephen E. Goldberg, Staff Attorney

The comments received and the Department's responses to those comments follow.

Dennis Tanabe, Deputy County Counsel, Siskiyou County, submitted the following comment (Comment #1).

1. Comment:

I work with our Dept. of Human Services. Our eligibility worker says that the proposed regs are in conflict with the existing requirement that she send a 371 to Child Support Services at detention. Since the determination of whether Reunification services will be ordered does not occur until the Disposition hearing, which is typically three to eight weeks after the detention hearing, we cannot wait until the Dispotition (sic) hearing to decide whether to send the 371. For the time being, what we have decided to do is to send the 371 at detention, along with language that the Department finds that it is not in the best interest of the child that the parent should be required to pay child support, and DCSS treat that like a good cause exemption. If at the Disposition hearing, Reunification services are not ordered, or there is some other reason why the Department no longer stands by its original finding, then the finding is withdrawn and DCSS proceeds with seeking support orders and collection efforts. If at the Disposition hearing, Reunification services are offered, then we notify DCSS of that event. This works well because Reunification is offered in most cases, and paying support is a significant barrier to Reunification in most cases. If it is intended that the

present requirements regarding submission of the 371 would no longer apply, then the proposed regs need to explicitly say that, and there must be other changes to ensure that the foster placements are funded during the early weeks of the case.

Response:

Title IV-E does not dictate WHEN a child support referral must be completed, simply that one must be done. Therefore, waiting for the disposition hearing to be completed prior to sending the referral will not affect IV-E eligibility. It may be necessary for Siskiyou County to change its internal process to accommodate the requirements of AB 1449, but there is no fiscal impact of this aspect of the bill's implementation.

Regarding the timing of submitting the form 371, please refer to the response to Comment #3.

Madeline Olea, Program Manager, Adult and Children's Services, Siskiyou County, submitted the following comments (Comments #2 – 4).

2. Comment:

The proposed regulations do not address the factors to be considered in making the determination of whether to refer a case to the local child support agency. Family Code §17552 states as follows:

In making the determination, the department regulations shall provide the factors the county child welfare department shall consider, including:

(1) Whether the payment of support by the parent will pose a barrier to the proposed reunification, in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.

(2) Whether the payment of support by the parent will pose a barrier to the proposed reunification, in that the payment of support will compromise the parent's current or future ability to meet the financial needs of the child.

In addition, the statute states that "the regulations shall define those circumstances in which it is not in the best interest of the child to refer the case to the local child support agency."

It would seem that the statute requires an inquiry into the financial circumstances of the parent, yet the regulations do not address what inquiry or documentation is required to make the finding. Are there other inquiries that the social worker should be making to arrive at the determination?

Response:

The Department agrees. Language has been added, including handbook material, to regulation Section 31-503.1 to provide additional guidance to county welfare department (CWD) social workers in making the best interest determination. This language is consistent with existing regulation Section 31-205.1(a) which sets forth the factors to be considered by the social worker in assessing a child and the child's family.

3. Comment:

The regulations do not address the timing of such determinations [see Comment #2] and, to some extent, are in conflict with the regulations and statutes requiring referral of cases to the local child support agency.

In particular, regulation 45-201.3 lists the child support requirements as follows:

.3 The following child support requirements:

.31 The county shall provide the district attorney (now the local child support agency) with the information specified in .311 through .313 below:

.311 A completed referral form;

.312 Any information the county has which indicates that the district attorney should not proceed with child support enforcement including an agreement to establish good cause for not cooperating with the district attorney if one has been completed by either or both of the child's parents;

.313 Any other forms or information, including a Child Support Questionnaire (CA 2.1), requested by the district attorney.

.32 The general requirements of Section 43-200, 43-201.2 and 43-203 shall be met.

Also, Family Code §17415 requires the county welfare department to "refer all cases in which a parent is absent from the home ... to the local child support agency immediately at the time the application for public assistance, including Medi-Cal benefits, or certificate of eligibility, is signed by the applicant or recipient, except as provided in Section 17552 of this code...." Section 17552 is the statute under which the proposed regulations were promulgated.

In practice, a determination as to whether a parent will receive reunification services does not occur until the disposition hearing, which could be up to 60 days after detention. Therefore, a determination as to whether it is in the best interests of the child to refer the case for child support enforcement against a parent may not come until well after the time for referring the case to the local child support agency has passed.

Response:

County social workers are required to conduct an assessment and create a case plan for a child within 30 days of the child's entrance into out-of-home care. Proposed regulation Section 31-503.113 links the best interest determination to the assessment required by Section 31-205.1(a). Thus, the determination will occur within the same 30-day time frame.

4. Comment:

The proposed regulations do not address the ramifications of the failure of reunification services. In other words, to the extent reunification services to a parent are terminated and the case is, therefore, referred to the local child support agency, should the date of referral be the date foster care benefits were initially paid (keeping in mind the 1-year limitations period of Family Code §17402) or should the date of referral be the date reunification services were terminated? Should this depend on the amount of effort expended by the parent in reunification?

Response:

In any case where the court has terminated a child's reunification plan, the date the parent(s) are to be referred to the local child support agency should be the date the social worker documents in the case file that reunification services were terminated by the court. Language has been added to Section 31-503.211 to clarify this issue.

Any requirement that the date of referral should depend on the amount of effort expended by the parent in reunification would impose a virtually impossible burden on the child's social worker and unnecessarily complicate this process for both social services, local child support agencies and the juvenile court. This would also be true of any attempt to refer the parent(s) retroactive to the initial date of payment.

Sara E. Kurtz, Senior Attorney, and Director, Child Support Project, National Center for Youth Law, submitted the following comments (Comments 5 – 12).

5. Comment:

Need for changes to DSS Manual EAS § 45-201.3

The Department is proposing to implement the family reunification child support referral requirements of AB 1449, Chapter 463, Statutes of 2001, which added Section 17552 to the Family Code, by implementing regulations in Division 31. However, the Department also must amend regulations in Division 45 that are inconsistent with the new statutory provision. Currently, EAS § 45-201.3 requires the eligibility worker to make a child support referral on both parents in cases where the child is not residing with a parent. This provision should be amended consistent with the proposed regulations in Division 31, to state that no child support referral should be made on either parent of a child who is residing with neither parent until the determination in

Division 31 can be made. The regulations should expressly state that no child support referral shall be made in any case where the child is not residing with either parent, until the eligibility worker receives a request for a referral from the social worker after a determination regarding the child's best interests in these cases.

Response:

Proposed Section 45-201.312(b) has been added to clarify that an eligibility worker will not proceed with child support referral without appropriate documentation from the social worker regarding the best interest determination.

6. Comment:

Retroactivity to October 1, 2002

AB 1449 required that the family reunification child support referral regulations be in place no later than October 1, 2002. Therefore, there needs to be a provision in the regulations to make them retroactive to that date. This can be accomplished by adding provisions requiring the caseworker of any child not living with a parent to notify the Department of Child Support Services that any child support referral received after October 1, 2002, is recalled, and any orders entered pursuant to such referrals must be dismissed, and any child support funds collected and withheld pursuant to those orders must be refunded, pending the required review.

Response:

We appreciate your comment; however, we do not agree that there is a need to make the regulations retroactive. On December 3, 2002, the Department of Child Support Services (DCSS) issued CSS LETTER: 02-24 advising local child support agencies of the provisions of AB 1449. The Child Support Services Letter explained the circumstances in which the local child support agency was to compromise assigned arrearages for children placed in foster care and transmitted emergency regulations effective November 26, 2002 to govern this process. Local child support agencies were advised to provide notice to all affected parents regarding their right to compromise in AB 1449 situations. Further, local child support agencies were directed to apply the income test of 250 percent of the federal poverty level as the appropriate standard in accordance with Family Code Section 17550. A notice was provided which local child support agencies used to notify parents of children in foster care of their possible qualification for the compromise.

Therefore, while parents of children who were in foster care in November, 2002 did not have the best interest determination made by a county social worker, they were advised of the provisions of AB 1449 and given the opportunity to eliminate arrearages. From October 2002 through June 2003, 839 foster care cases were approved for compromise of arrearages under provisions of AB 1449.

Since that time, in all cases where a dependent child is residing with and has been reunified with an obligor parent, the local child support agency now applies DCSS regulations to determine whether a compromise of arrearages is required.

7. Comment:

Appea1 rights

It is important for the parents of a child who is not living with either parent to be able to appeal any decision that their referral to the child support agency is in the child's best interest. Accordingly, provisions should be added requiring written notice of the decision to any affected parent with appeal rights. Due process requires both notice and opportunity to be heard. For simplicity, the existing and largely successful state administrative hearing process could be used.

Response:

The Department is in agreement that notice and appeal rights should be offered to the parent(s) of children affected by AB 1449. Moreover, the Department believes there is sufficient notice and opportunity to be heard within the proposed regulations. The proposed regulations require the social worker to document the best interest determination in the child's case plan. The CDSS Manual of Policies and Procedures Section 31-210.1 requires the social worker to explain the content of the case plan to the parents and to provide them a copy. This case plan is in part the subject of the Dispositional Hearing. Additionally, the CDSS Manual of Policies and Procedures Section 31-020 sets forth grievance procedures for parties to actions affecting children who are receiving child welfare services, including the legal parents. It is not necessary to add language to these proposed regulations as children covered by AB 1449 are receiving child welfare services, and their parents are thus automatically granted appeal rights. In addition, obligor parents have appeal rights through local child support agencies.

8. Comment:

Review of cases not in reunification

The statute permits but does not require a child support referral in cases where reunification services are not offered or are terminated. As there may be some cases in this situation where a referral would nevertheless not be in the child's best interest, the regulations should not limit making the determination only to cases in reunification.

Response:

The Department agrees. Proposed regulation Section 31-503.1 has been revised to clarify that County Welfare Departments (CWDs) are required to conduct the best interests of the child determination for all children receiving AFDC-FC.

9. Comment:

Clarification of term "receiving family reunification services"

To eliminate referral of parents not intended to be referred, the term "receiving family reunification services" should be defined to mean any case where family reunification services are available and have not been terminated, whether or not they are currently being provided.

Response:

It is not clear how "parents not intended to be referred" could be an issue. These regulations neither affect nor change the basic referral process except to allow CWDs to make a determination that does not result in a referral for child support payment. State and federal law require that all parents of children receiving AFDC-FC payments be referred for child support except in cases of good cause or as covered by AB 1449.

10. Comment

Clarification that other factors may warrant not referring case

It should be clarified that the social worker is permitted to consider other than the factors listed in determining that referral to the child support agency would not be in the child's best interest.

Response:

The Department agrees. See response to Comment # 2.

11. Comment:

Regulations should enumerate examples of when it is not in the best interest of the child to refer the case to the local child support agency.

Subdivision (b) of the statute requires the Department to define the circumstances when it is not in the best interest of the child to refer the case. The Department could state that when a child is not living with either parent, it is presumed not to be in the child's best interest to refer any parent receiving reunification services to the local child support agency. This would be analogous to the Department of Child Support Services debt compromise regulation presuming that compromise is necessary for a child's support unless rebutted by financial evidence, and that compromise is in the

child's best interest unless the social worker provides written justification that supports a finding that it is not. (See DCSS debt compromise Division 13 regulation section 119191(e)(4) and (5).

Response:

The Department agrees. See response to Comment # 2.

12. Comment:

Clarify that proposed 31-503.2 only applies to information necessary to determine child support debt compromise.

Proposed Section 31-503.4 should expressly state that it is limited to providing the information necessary to a determination to compromise child support debt under Family Code 17550(b).

Response:

The Department agrees with this comment. While the social worker is responsible for completing the best interest determination, eligibility workers are responsible for contacting and working with the local child support agencies. Therefore, language has been added as Section 45-201.313 to specify the eligibility worker may provide information to the local child support agency upon request of the local child support agency.

Debra L. Back, Attorney, Children's Advocacy Institute, submitted the following comments (Comments 13 – 23).

13. Comment:

The purpose of this letter is to reiterate several concerns raised by Stephen Goldberg, Staff Attorney for Legal Services of Northern California, in his letter dated September 9, 2003, attached herewith. The Legislature mandated that these regulations be promulgated by October 1, 2002, and that DSS and DCSS report to the Governor and the Legislature by October 1, 2003 on the results of these new provisions. Specifically, Section 5 of Assembly Bill 1449 (Chapter 463, Statutes of 2001) requires the Department to report the number of cases in which child support debt is compromised and the amount of debt that was incurred as a result of AFDC-FC and CalWORKs payments. It is unclear whether the Department will be making that report and whether the Governor and/or the Legislature will have the opportunity to review the impact of the legislation, as it was intended by the Legislature. It is further unclear whether those children for whom a determination is mandated under this legislation will be afforded a retroactive review of their case, and how the Department plans to compensate the individuals for whom child support has been collected without considering the best interests of the child. In the end, it is the children who will be

detrimentally affected if their parent/caretakers are required to pay child support without due consideration of their circumstances.

Response:

For the Department's response regarding the issue of retroactive review of cases which occurred prior to implementation of these regulations, see response to Comment #6.

With regard to the legislative report required by AB 1449, the report written by DCSS is currently going through the approval process of the new administration.

14. Comment:

In addition to issuing late notice of the regulations, the regulations are merely a recitation of the statutory section with seemingly little consideration for the issues raised by the Legislature. The little implementing language that the Department has added impermissibly limits the applicable scope of the regulations to only those cases where a child is currently receiving family reunification services. However, the implementing legislation clearly states that "in any case of separation or desertion of a parent or parents from a child that results in aid under Section 11400 of the Welfare and Institutions Code..." as the defining scope of application.

Response:

The Department agrees. See response to Comment #8.

15. Comment:

Second, the Assembly Bill 1449 (Chapter 463, Statutes of 2001) analysis on the Assembly floor states "[i]n order to ensure uniformity of application among counties, DSS and DCSS must promulgate regulations defining the parameters of the counties' authority." The current proposed regulations leave discretion with the counties to determine what circumstances constitute "the best interests of the child," and therefore, will not ensure any uniformity statewide, as was the intent of AB 1449. Not only should the Department "define those circumstances in which it is not in the best interests of the child to refer the case to the local child support agency," as required under section 17552(b), but there should also be a requirement that the social worker/county welfare agency department be required to document how the determination of whether to refer a case is made after each court hearing, as specified in section 17552(c). Although proposed regulation 31-503.3 requires a social worker to document a determination to not refer a case to the local child support agency, this could easily include a reference to document the determination regardless of outcome.

Response:

The Department agrees. Proposed regulation Section 31-206.4 has been revised to require the social worker to document the best interest determination and its basis.

16. Comment:

Finally, what will be the result if a social worker fails to make determinations regarding referral of the case? There do not appear to be any appellate rights for the children and their parents and/or caretakers. This may be cured by a simple reference to the section of the DSS Manual allowing appeal of certain decisions made by county welfare agency employees.

Response:

The Department agrees. See response to Comment #7.

Stephen E. Goldberg, Staff Attorney, Legal Services of Northern California, submitted the following comments (Comments #17 – 23).

17. Comment:

Family Code Section 17552 requires promulgation of regulations regarding whether it is in the best interest of the child to refer to the local child support agency (LCSA) cases where a child is receiving benefits under Welfare and Institutions Code Section 11400 "in *any* case of separation or desertion of a parent or parents from a child that results in" foster care benefits for the child. (Fam. Code § 17552(a) [emphasis added].) However, the proposed regulation limit cases where a determination of whether referral to the LCSA is in the best interest of the child to cases where "a child is receiving family reunification services." (Proposed Manual of Policy and Procedure (MPP) § 31-503.1.)

The regulations are correct to identify cases where a child is receiving reunification services as cases where the best interest of the child determination needs to me made. However, the limitation of consideration of the best interests of the child to cases where reunification services are received is inconsistent with the statutory mandate that all foster care case be evaluated to determine whether LCSA referral is in the best interest of the child.

Read literally, the proposed regulation as written means that almost no cases would not be referred to the LCSA because reunification services probably will not have commenced at the time the decision whether to refer a case to the LCSA is made, and therefore the family would not be "receiving" reunification services. The proposed regulation impermissibly limits the cases where the best interest of the child determination is made to cases where the family is receiving reunification services instead of all cases as required by the statute.

The statute does authorize referral of a case to the LCSA if reunification services are not offered or are terminated. However, the possibility of referral to the LCSA when reunification services are not offered or cease does not negate the duty to review each case to determine if referral to the LCSA is in the best interest of the child. Moreover, referral of a case to the LCSA if reunification services are not offered or are terminated is discretionary, as the statute says "if reunification services are not offered or are terminated, the case *may* be referred to the local child support agency." (Fam. Code § 17552(a) [emphasis added].) Regardless of whether reunification services are offered or terminated, review of the case to determine whether referral to the LCSA is in the best interest of the child is mandatory in every case. The proposed regulation should be changed to require the best interest of the child review in every foster care case prior to referral to the LCSA.

Response:

The Department agrees. See response to Comment #8.

18. Comment:

Section 17552(a)(l) and (2) recite factors which must be included in the regulations for determining when a case should or should not be referred to the LCSA. However, Section 17552 states that the recited factors are not the exclusive factors to be considered. The statute reads "the department regulations shall provide the factors the county child welfare department shall consider, *including*:." (Fam. Code § 17552(a) [emphasis added].) However, the regulation reads "[i]n making this determination the social worker shall take the following into consideration:." As written, the regulation indicates that the stated factors are the only factors which can be considered in making the determination not to refer a case to the LCSA. This is contrary to the statute, which indicates that the stated factors are not exclusive. The regulation should be changed to clarify that the stated factors are not the exclusive factors in determining when not to refer a case to the LCSA.

Response:

The Department agrees. See response to Comment #2.

19. Comment:

Family Code Section 17552 requires the California Department of Social Services (CDSS) to promulgate regulations for referral of foster care cases to the LCSA which "define those circumstances in which it is not in the best interest of the child to refer the case to the local child support agency." (Fam. Code § 17552(b).) The proposed regulations accurately recite the general considerations which are included in the statute for when referral should or should not occur. (MPP §§ 31-503.11 and .12; Fam. Code §§ 17552(a)(1) and (2).) However, the proposed regulations do not extend beyond those general considerations to define circumstances where referral is not in the best interest of the child as mandated by Section 17552(b).) The proposed

regulation is therefore inadequate to meet the statutory requirements and should be expanded.

Response:

The Department agrees. See response to Comment #2.

20. Comment:

The proposed regulation has the social worker determine whether referral to the LCSA is in the best interest of the child. (Proposed MPP § 31-503.2.) However, the proposed regulation does not require notice to the parent of the social worker's decision or an opportunity to appeal that decision. Due process requires both notice of the social worker's decision and an opportunity to be heard regarding that decision. As written, the grievance procedure for other child welfare decisions should apply to the social worker decision whether to refer a case to the LCSA. (See MPP § 31-020 et. seq.) The proposed regulation should be clarified to leave no doubt that the child welfare grievance procedure applies to the social worker decision whether to refer a case to the LCSA and that parents be given notice of the social worker's determination and the opportunity to request a grievance hearing.

Response:

The Department is in agreement that parents are entitled to appeal social worker's best interest decisions. See response to Comment #7.

21. Comment:

Proposed MPP Section 31-503.4 authorizes the social worker to release "information regarding the best interest of the child as it pertains to child support issues to the LCSA upon request." The Initial Statement of Reasons justifies this section by reference to the statute regarding offer and compromise, Family Code Section 17550. (Initial Statement of Reasons at p.3.) However, Section 17550(b) only authorizes the LCSA to consult with the child welfare department when considering offer and compromise of debt for payments made under Welfare and Institutions Code Section 11400. Section 17550(b) is not a general authorization for the social worker to release information to the LCSA, but is limited to offer and compromise situations. By contrast, the regulation is a general authorization to release information "upon request" to the LCSA. Apart from Section 17550(b), records of the child welfare agency are confidential and cannot be released to the LCSA. (See Welf. & Inst. Code §§ 827, 10850; Lorenza P. v. Superior Court (1988) 197 Cal.App.3d 607,610-11 [Welf. & Inst. Code § 827 confidentiality requirements apply to records possessed by the child welfare agency].) The regulation should be amended to be consistent with Section 17550(b) by limiting the authority of the social worker to release information to the LCSA to offer and compromise cases.

In addition, proposed MPP Section 31-503.4 authorizes release of information "upon request" but does not state upon request of whom. To be consistent with Section 17550(b), the regulation should be clarified to limit the release of information to the request of the LCSA.

Response:

The Department agrees with this suggestion. See response to Comment #12.

22. Comment:

Section 17552 required that regulations regarding referral of foster cases to the LCSA be promulgated "on or before October 1, 2002." (Fam. Code § 17552(d).) Unfortunately, the proposed regulations are approximately one year overdue. The regulations should therefore contain a provision for retroactively applying their provisions to cases which entered the system from October 1, 2002 until the date the regulations are implemented. In cases where the social worker determines that it was not in the best interest of the child that the case be referred to the LCSA, the case should be recalled from the LCSA, money paid by the parents should be refunded and the child support orders against the parents dismissed.

Response:

See response to Comment #6.

23. Comment:

The proposed regulations need to be clarified to ensure that no referral to LCSA is made unless the evaluation by the social worker of whether or not referral is in the best interest of the child is made. At this time, current regulations do not seem to specify the process for referral of a case to LCSA. This means that referral could be done independently of the evaluation by the social worker. The proposed regulations need to be more specific to make certain this does not happen.

Response:

Section 31-503.2 of the proposed regulations requires the social worker, who has determined it is in the best interests of the child not to refer the parents to the local child support agency, to forward this recommendation to the appropriate county eligibility worker for action. CDSS Manual of Policies and Procedures Section 45-201.3, which governs actions of eligibility workers, sets forth the child support requirements for children receiving AFDC-FC. Revised Section 45-201.3 is being included in these proposed regulations to ensure eligibility workers respond appropriately to a document from the social worker regarding referral of the child's case to the local child support agency. With this amendment, the testifier's concerns should be satisfied that referral could not occur independently of the evaluation by the social worker.

g) 15-Day Renotice Statement

Pursuant to Government Code Section 11346.8, a 15-day renotice and complete text of modifications made to the regulations were made available to the public following the public hearing. Written testimony on the modifications renoticed for public comment from May 21, to June 4, 2004 was received from: Linda Henderson, Director, Children and Family Services, County of Ventura and Kathy Watkins, Legislative Program Manager, San Bernardino County, on behalf of the County Welfare Directors Association (CWDA).

The comments received and the Department's responses to those comments follow.

Linda Henderson, Director, Children and Family Services, County of Ventura, Human Services Agency, submitted the following comment (Comment #1).

1. Comment:

REGULATION LANGUAGE OF CONCERN:

1. The proposed regulations repeatedly name the *social worker* as the responsible party.
2. The proposed regulations specify (MPP 31-503.3) that the social worker shall document the determination in the *case plan*.

REASON FOR OBJECTION:

The County of Ventura Human Services Agency supports a focus on the intent of the law, rather than adding new layers of social work and case plan requirements. The proposed text over-regulates and is unnecessary. AB 1449 identifies the county welfare department as the responsible body. Keeping the terminology consistent with the law allows County flexibility for efficiency and workload purposes. The primary issue should be outcomes per the county welfare department's demonstration that determinations were made, and that the foster care eligibility staff and the child support agency were informed in a timely manner, not the requirement that the social worker enter the determination in the case plan.

Response:

CDSS agrees with the comment with respect to the documentation in the case plan. The proposed regulations have been changed to require that documentation of the best interest determination be kept in the child's case file. However, the case plan is adjudicated as part of the child's dependency case and therefore would have provided a process for notice and appeal for the parents through the juvenile court. The changes to the proposed regulations made in response to this comment includes provisions for notice and appeal in Section 31-503.4

Kathy Watkins, Legislative Program Manager, San Bernardino County, on behalf of the County Welfare Directors Association (CWDA), submitted the following comments (Comments #2 - 4).

2. Comment:

31-206.4

We recommend that the determination NOT be documented in the child's case plan. We recommend the original language "child's file".

The case plan is a computer generated document that is created from the CWS CMS automated system. It is a complex and often lengthy document that is submitted to juvenile court as part of the Dispositional court report, and is completed and approved 30 days after the child is removed from the parental home. If pending bill AB2795 is passed, the completion date for the case plan will be up to 60 days after removal. However, immediately upon removal, the AFDC-FC application is prepared by the child's social worker to be sent and processed by the AFDC-FC eligibility worker. As part of that initial application, a referral to Child Support Questionnaire, the CA2.1 is prepared. Thus the referral process is initiated long before the case plan is completed. We are concerned that if the documentation not to refer the case to CS is contained in the case plan, which is never sent to the AFDC-FC eligibility worker, EW, that there will be a disconnect between the already initiated child support referral and the subsequent determination to refer or not to refer. We are concerned that the determination may never get to the FC EW. We believe that it is preferable to allow counties to adapt their existing business practices used to flow the current child support referral information to the FC EW and build on that informational flow to carry the determination from the social worker to the FC EW. By using the more generic term "child's file", it ensures that the determination is documented by the social worker, but allows the county to utilize its business practice to ensure that this critical information move from the social worker to the FC EW in a timely manner, so that the FC EW can incorporate the determination to refer or not to refer in the initial AFDC-FC application, and not in a subsequent and belated manner. Counties could identify several existing state mandated forms used in the AFDC-FC application process that could be readily and easily modified to incorporate this determination. Modifying an existing form seems more efficient and expeditious and take very little training to implement. An additional concern with the case plan is that because it is a CWS-CMS computer generated document, it requires re-programming to add a new set of data elements. Adding new data elements is a lengthy and costly process. Until re-programming could be achieved, counties would have to do a manual workaround for the determination, which will lead to errors and inconsistencies. We understand that some thought was given to the use of the case plan to inform the parent of the determination and to provide the parent due process. However we believe that this is not an efficient method to achieve due process in a timely manner and given that the case plan has multiple conditions and often runs 15 to 20 pages, the parent would be hard pressed to locate this determination amongst the other elements. We recommend that the existing process mentioned in 45-201.312 (a) for establishing good cause be

modified to incorporate the appropriate notice and due process information to the parent.

Response:

Please see response to Comment #1.

3. Comment:

31-503.11

We recommend that in lieu of the "following factors", 113 and handbook 114, that .11 read: ' ...the social worker shall consider whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's ability to meet the requirements of the reunification plan and the parent's current or future ability to meet the financial needs of the child."

This is using the actual language in AB1449 in Sec 17552 of the H&S code. We think the addition of the word "barrier" makes clear the focus of the determination as opposed to just "factors". Our concern with 113 is that "other social, cultural and physical factors" may be more subjective and open to discriminating bias due to inherent vagueness.

Response:

CDSS agrees that the use of language that is closer to that in the law is preferable and Section 31-503.11 et seq. has been amended.

4. Comment:

31-503.3

We recommend for the same reasons as above [Comment #2] that the documentation based on the subsequent review again not be in the "case plan, but in the child's case file.

Response:

Please see response to Comment #1.

h) Second 15-Day Renotice Statement

Pursuant to Government Code Section 11346.8, a second 15-day renotice and complete text of modifications made to the regulations were made available to the public following the first 15-day renotice. Written testimony on the regulations renoticed for public comment from July 2, to July 16, 2004 was received from Sarah E. Kurtz, Managing Attorney, Bay

Area Legal Aid, Santa Clara County Regional Office. The comments received and the Department's responses to those comments follow.

1. Comment:

Need for additional changes to 45-201.3

Currently, EAS § 45-201.3 contemplates that the eligibility worker will automatically at intake when opening a case, make a child support referral on both parents in cases where the child is not residing with a parent. Certainly that has been the practice. Therefore, this regulation needs to be further amended, consistent with the Division 31 regulations, to state that no child support referral should be made on either parent of a child who is residing with neither parent until the determination in Division 31-503 can be made. The Division 45 regulations need to expressly state that no child support referral shall be made in any case where the child is not residing with either parent, until the eligibility workers receives a request for a referral from the social worker after a determination regarding the child's best interests in these cases.

Response:

The Department disagrees. Amending the regulation as suggested would put California at risk of failing to comply with federal Title IV-E of the Social Security Act requirements regarding referral of foster care cases to the child support agency. Referral to the local child support agency is made in compliance with United States Code 671(a)(17). The child support referral is also required under the State's federal Title IV-E plan.

2. Comment:

Retroactivity to October 1, 2002

AB 1449 required that the family reunification child support referral regulations be in place no later than October 1, 2002. Therefore, there needs to be a provision in the regulations to make them retroactive to that date. This can be accomplished by adding provisions requiring the caseworker of any child not living with a parent to notify the Department of Child Support Services that any child support referral received after October 1, 2002, is recalled, and any orders entered pursuant to such referrals must be dismissed, and any child support funds collected and withheld pursuant to those orders must be refunded, pending the required review.

Response:

We appreciate your comments however, the Department disagrees. Please see response to Comment #6 of Section (f).

3. Comment:

Appeal rights

We commend the Department for adding a reference to the Child Welfare Services Program grievance procedure. However, the Division 22 state administrative hearing process should be used instead because this determination is the sort for which that process is ideally suited, i.e. exploring the factual circumstances surrounding whether it would be in the child's best interest to have support sought against the parent(s) when reunification is the plan. The state hearing process has long been successfully utilized to review the similar factual issues surrounding whether a parent has good cause for not pursuing child support determination against the other parent, and Administrative Law Judges have had no difficulty reviewing these determinations. Also, then the time to request review would be 90 calendar days instead of the proposed 5 working days which is much too short given the magnitude of this determination and its affect on the lives of children who hope to reunite with their parents.

Response:

The Department disagrees. The parent has multiple opportunities for complaint resolution and appeal in this matter. Obligor parents have appeal rights pursuant to Title 22, Division 13, chapter 10 of the California Code of Regulations through local child support agencies. The Department believes that a determination regarding what is in the child's best interest is most appropriately heard through the existing Child Welfare Services Program grievance procedure. This entity has the expertise and skills to consider factors related to the child's best interest. Moreover, Welfare and Institutions Code Section 366 requires the juvenile court to review the status of the child's case no less frequently than every six months. Thus, the parent has opportunity to address any barriers to reunification to the juvenile court.

4. Comment:

Review of cases not in reunification

The statute permits but does not require a child support referral in cases where reunification services are not offered or are terminated. As there may be some cases in this situation where a referral would nevertheless not be in the child's best interest, the regulations should not limit making the determination only to cases in reunification.

Response:

The Department agrees. The regulations were previously modified to apply to all children receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC), pursuant to Welfare and Institutions Code Section 11400. Please see response to Comment #8 of Section (f).

5. Comment:

Clarification that other factors may warrant not referring case

It should be clarified that the social worker is permitted to consider other than the factors listed in determining that referral to the child support agency would not be in the child's best interest.

Response:

The Department does not agree that additional clarification is necessary. The regulations as proposed are consistent with Family Code Section 17552(a)(1) and (2). Moreover, the proposed regulations do not prohibit the social worker from considering other factors.

6. Comment:

Regulations should enumerate examples of when it is not in the best interest of the child to refer the case to the local child support agency.

Subdivision (b) of the statute requires the Department to define the circumstances when it is not in the best interest of the child to refer the case. The Department could state that when a child is not living with either parent, it is presumed not to be in the child's best interest to refer any parent receiving reunification services to the local child support agency. This would be analogous to the Department of Child Support Services debt compromise regulation presuming that compromise is necessary for a child's support unless rebutted by financial evidence, and that compromise is in the child's best interest unless the social worker provides written justification that supports a finding that it is not. (See DCSS debt compromise Division 13 regulation section 119191(e)(4) and (5).

Response:

The Department does not disagree that examples may be of assistance to the social worker in determining whether it is in the child's best interest to refer a case to the local child support agency. However, providing examples might also be misconstrued as limiting in nature. The Department believes such examples are more appropriately provided in an All County Information Notice rather than in regulation.

7. Comment:

Clarify that proposed 45-201.313 only applies to information necessary to determine child support debt compromise.

Proposed Section 45-201.313 should expressly state that it is limited to providing the information necessary to a determination to compromise child support debt under Family Code 17550(b).

Response:

The Department believes that the existing language of the proposed regulations sufficiently limits the disclosure of information to the local child support agency to that which pertains to child support issues. Limiting information to that which is necessary for child support debt compromise is too narrow. Information may also be necessary to demonstrate that "good cause" exits for not referring the case to the local child support agency.

i) Third 15-Day Renotice Statement

On July 30, 2004, the Department submitted to the Office of Administrative Law (OAL) the rulemaking file to be reviewed. On September 13, 2004, OAL disapproved the regulations because they failed to comply with the Consistency and Clarity standards. On September 21, 2004, the Department received the explanatory letter from OAL describing the reasons for their disapproval of the regulations. Sections 31-503.1 et seq. and 45-201.311(a) and .312(b) of the regulations were revised to address the problems OAL identified as unclear and inconsistent.

Pursuant to Government Code Section 11346.8, a third 15-day renotice and complete text of modifications made to the regulations were made available to the public following OAL disapproval of the regulations. Written testimony on the regulations renoticed for public comment from December 2, to December 16, 2004 was received from Sarah E. Kurtz, Managing Attorney, Bay Area Legal Aid, Santa Clara County Regional Office. The comments received and the Department's responses to those comments follow.

1. Comment:

Need for additional changes to 45-201.3

The changes proposed to be made to 45-201.311 are a step in the right direction if they mean that the county will not refer cases for child support enforcement before the 31-503.1 determination is made. If this is what is meant, however, it isn't clear, and should be stated expressly. For example, the regulation should expressly state that no child support referral shall be made in any AFDC-FC case until the eligibility workers receives a request for a referral from the social worker after a determination regarding the child's best interests in these cases.

If this is not what is meant by the proposed changes, then additional changes are necessary, because currently, EAS § 45-201.3 contemplates that the eligibility worker will automatically at intake when opening an AFDC-FC case, make a child support referral on both parents. Certainly that has been the practice, and therefore, the regulation, to be consistent with the Division 31 regulations, needs to state that no child support referrals may be made in AFDC-FC cases before the Division 31-503 review is completed.

Response:

For the Department's response regarding the issue of additional changes to Section 45-201.3, please see Response to Comment #1 of Section (h).

2. Comment:

Retroactivity to October 1, 2002

AB 1449 required that the family reunification child support referral regulations be in place no later than October 1, 2002. Therefore, there needs to be a provision in the regulations to make them retroactive to that date. This can be accomplished by adding provisions requiring the caseworker of any child not living with a parent to notify the Department of Child Support Services that any child support referral received after October 1, 2002, is recalled, and any orders entered pursuant to such referrals must be dismissed, and any child support funds collected and withheld pursuant to those orders must be refunded, pending the required review.

Response:

For the Department's response regarding the issue of retroactive review of cases which occurred prior to implementation of these regulations, please see Response to Comment #6 of Section (f)

3. Comment:

Appeal rights

We commend the Department for adding a reference to the Child Welfare Services Program grievance procedure. However, the Division 22 state administrative hearing process should be used instead because this determination is the sort for which that process is ideally suited, i.e. exploring the factual circumstances surrounding whether it would be in the child's best interest to have support sought against the parent(s) when reunification is the plan. The state hearing process has long been successfully utilized to review the similar factual issues surrounding whether a parent has good cause for not pursuing child support determination against the other parent, and Administrative Law Judges have had no difficulty reviewing these determinations. Also, then the time to request review would be 90 calendar days instead of the proposed 5 working days which is much too short given the magnitude of this determination and its affect on the lives of children who hope to reunite with their parents.

Response:

For the Department's response regarding the issue of utilizing the state administrative hearing process and the timing to request a review, please see Response to Comment #3 of Section (h)

4. Comment:

Review of cases not in reunification

The statute permits but does not require a child support referral in cases where reunification services are not offered or are terminated. As there may be some cases in this situation where a referral would nevertheless not be in the child's best interest, the regulations should not limit making the determination only to cases in reunification. Proposed 31-503.112 is a step in the right direction if this is what it means.

Response:

The Department agrees. The regulations were previously modified to apply to all children receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC), pursuant to Welfare and Institutions Code Section 11400. Additional modification was made to add Section 31-503.112 to address cases other than those receiving reunification services. Also, please see Response to Comment #8 of Section (f).

5. Comment:

Clarification that other factors may warrant not referring case

It should be clarified that the social worker is permitted to consider other than the factors listed in determining that referral to the child support agency would not be in the child's best interest. In other words, while the listed factors must be considered before making a determination to refer, factors other than those listed may support a determination not to refer.

Response:

Section 31-503.11 provides instruction to the social worker in considering other factors. The language "...which may include but is not necessarily limited to" indicates other factors may be considered.

6. Comment:

Regulations should enumerate examples of when it is not in the best interest of the child to refer the case to the local child support agency.

Subdivision (b) of the statute requires the Department to define the circumstances when it is not in the best interest of the child to refer the case. The Department could

state that when a child is not living with either parent, it is presumed not to be in the child's best interest to refer any parent receiving reunification services to the local child support agency. This would be analogous to the Department of Child Support Services debt compromise regulation presuming that compromise is necessary for a child's support unless rebutted by financial evidence, and that compromise is in the child's best interest unless the social worker provides written justification that supports a finding that it is not. (See DCSS debt compromise Division 13 regulation section 119191(e)(4) and (5).

Response:

The proposed regulations now enumerate additional circumstances to be considered. For the Department's response regarding the issue of enumerating examples of when it is not in the best interest of the child to refer the case to the local child support agency, please see Response to Comment #6 of Section (h).

7. Comment:

Clarify that proposed 45-201.313 only applies to information necessary to determine child support debt compromise.

Proposed Section 45-201.313 should expressly state that it is limited to providing the information necessary to a determination to compromise child support debt under Family Code 17550(b), and does not extend to other child support "issues".

Response:

For the Department's response regarding the issue of information necessary to determine child support debt compromise, see Response to Comment #7 of Section (h).